

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VINCENT STROUSE,)
Plaintiff)
)
vs.) Civil Action No. 05-8J
) Judge Kim R. Gibson/
MAJOR MICHAEL BARONE, Security) Magistrate Judge Amy Reynolds Hay
Major at SCI Houtzdale, sued in his)
individual and official capacities; LT.)
HORTON, Lieutenant at SCI Houtzdale,)
sued in his individual and official)
capacities; SGT. SEYMORE, Sergeant at)
SCI Houtzdale, sued in his individual)
capacity; C.O. GUELICH, Correctional)
Officer at SCI Houtzdale, sued in his)
individual and official capacity; C.O.)
THAL, Correctional Officer at SCI)
Houtzdale, sued in his individual capacity;)
FRANCIS SHUSTER, Chief Psychologist)
at SCI Houtzdale, sued in his individual)
capacity; MRS. KNAPP, Psychologist at)
SCI Houtzdale, sued in her individual)
capacity; INMATE RUSSELL, Inmate at)
SCI Houtzdale, sued in his individual)
capacity,)
Defendants)

ORDER

AND NOW, this 25th day of September, 2006, after the plaintiff,

Vincent Strouse, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Defendants' motion to dismiss is granted in part and denied in part. It is granted as to Defendants Seymore and Guelich. The motion is denied as to the remaining defendants.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

A handwritten signature in black ink, appearing to read "Kim R. Gibson", is written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Vincent Strouse
EM-9339
SCI Chester
500 E. 4th Street
Chester, PA 19013

Mariah Passarelli
Deputy Attorney General
Office of the Attorney General
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219